

Angie Lake

From: Charles Godbout <charlesgodbout@gmail.com>
Sent: Monday, December 10, 2018 5:58 PM
To: Angie Lake
Subject: Opposition to SB's 1188 through 1194

I strongly urge the committee members to vote no on these bills. The bills as presented will totally usurp the local control of municipal governments throughout the state to decide on the environments and needs of the local community.

The state has not identified any plausible reason for the usurpation of the local governments authority.

Again I urge a no vote on these bills

Charles N Godbout
11060 S Benzonia Trail
Empire, MI 49630
231-334-3204

Angie Lake

From: Rep. Sara Cambensy (District 109)
Sent: Wednesday, December 5, 2018 5:09 PM
To: Angie Lake
Subject: FW: Statement regarding Senate Bill 1188

Hello Angie,

Can the statement below from Abbie Hanson of the Superior Watershed Partnership in Marquette be submitted as a white a card on the record in opposition to SB 1188 and related bills? Let me know if there's anything else you need.

Thanks!

Best,

Mary Wardell
Legislative Aide
Rep. Sara Cambensy
517.373.0498

From: Sara Cambensy
Sent: Wednesday, December 5, 2018 4:58 PM
To: Rep. Sara Cambensy (District 109) <SaraCambensy@house.mi.gov>; Mary Wardell <mwardell@house.mi.gov>
Subject: Re: Statement regarding Senate Bill 1188

Can she submit a card?

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From: Rep. Sara Cambensy (District 109) <saracambensy@house.mi.gov>
Sent: Wednesday, December 5, 2018 1:09 PM
To: Sara Cambensy; Mary Wardell
Subject: FW: Statement regarding Senate Bill 1188

FYI

From: Abbie Hanson <Abbie@superiorwatersheds.org>
Sent: Wednesday, December 5, 2018 12:35 PM
To: Rep. Sara Cambensy (District 109) <SaraCambensy@house.mi.gov>
Cc: Carl Lindquist <Carl@superiorwatersheds.org>; Geri Grant <Geri@superiorwatersheds.org>
Subject: Statement regarding Senate Bill 1188

Representative Cambensy,

In response to Senate Bill 1188, the Superior Watershed Partnership would like to submit the following statement:

The protection of natural areas and native vegetation, especially riparian vegetation, is critical to the health of our lands and water as well as to the economic stability of our communities. As living filters, trees and other vegetation improve water quality and minimize the impacts related to extreme storm events by filtering and reducing runoff, preventing

erosion, and protecting against flooding. In riparian areas specifically, vegetation helps to support healthy aquatic ecosystems by providing structure, stabilizing streambanks, and providing optimal habitat for species such as game fish. For these reasons and many more, the Superior Watershed Partnership is opposed to Senate Bill 1188 and related bills (SB 1188-1194).

Thank you,

Abbie Hanson

Abbie Hanson
Biologist, Project Planner
Upper GLSI Program Coordinator
Superior Watershed Partnership
2 Peter White Drive
Presque Isle Park
Marquette, Michigan 49855
Phone: 906-228-6095 x11

Angie Lake

From: Brad Pastoor brad.pastoor@ada-mi.com
Sent: Friday, December 7, 2018 4:25 PM
To: Rep. Kathy Crawford (District 38); Rep. Jim Runestad (District 44); Rep. Gary Howell (District 82); Rep. Julie Alexander (District 64); Rep. Ben Frederick (District 85); Rep. Roger Hauck (District 99); Rep. James Lower (District 70); Rep. Patrick Green (District 28); Rep. Jeremy Moss (District 35); Rep. Jim Ellison (District 26); Rep. Sara Cambensy (District 109); Angie Lake
Subject: SB 1188 concerns for your consideration

Dear Representatives,

I am writing to express my opposition to the regulations contained in SB-1188, which was recently passed by the Michigan Senate and is now under consideration by the Local Government Committee. Currently, many of our local communities have ordinances and zoning regulations regarding the removal of trees and the subsequent requirement for new trees to take their place during the development process. These zoning regulations are very important to our community. It appears that this law may have been put together in a hasty manner, without input from the community, business partners, and green industry experts. Removal of these ordinances will significantly limit the ability of local authorities to manage stormwater, air quality, community aesthetics, and property values.

Ada Township, where I reside, places a high value on the contribution that trees give to the character of our community. I know that all areas of this great state of Michigan do as well, and I would like to see this emphasis continue for generations to come.

Please consider preventing this Senate Bill 1188 from becoming law. Thank you for your consideration of this matter.

Sincerely,

Brad Pastoor
635 Rookway SE
Ada, MI 49301



Angie Lake

From: Julie Stachecki Johanningsmeier <jstachecki@mla.com>
Sent: Tuesday, December 11, 2018 8:24 AM
To: Angie Lake
Subject: Opposition to SB 1188-1194

Committee Clerk Angle Lake,

Please submit this letter to the record of todays Hearing on SB 1188-1194, this written testimony in OPPOSITION.

Representative James Lower
11, 2018

December

Chair, Local Government Committee

Michigan House of Representatives

Anderson House Office Building

PO Box 30014

Lansing, MI 48933

Re: SB 1188 Local Tree Ordinances

Dear Representative Lower and Local Government Committee Members,

I strongly Oppose SB 1188-1194. I also ask you and your committee members, how many tree and woodland ordinances have you read before you vote to eliminate them? The positive outcomes from these tree ordinances FAR outweigh any ill-applied interpretations. While a small number of ordinances may have unusual requirements, this legislation is too broad in its application. Many of the tree/woodland ordinances allow for legitimate applications of arboriculture and forestry best management practices as they are written. Typically, local ordinances provide incentives towards preservation of some on-site trees and against wholesale land clearing during development activities. An unintended consequence of this legislation will be the rapid de-forestation of wooded sites prior to any actual future development. BUT, the impacts of this proposed legislation will create unlimited negative consequences causing harm and economic loss to our communities and our state long into the future. The cost to counter these impacts will be costly and some will be irreparable.

Trees are the only infrastructure to increase in value as it ages.

Proposed Senate Bills 1188-1194 do not recognize how trees on individual sites factor into the total urban canopy and its function in our communities. The various tree and woodland protection and preservation ordinances strive to buffer against the impacts of development and growth in localized areas while preserving the function of the urban canopy across the entire municipality. When we cannot mitigate tree losses that are inevitable with development and growth, we harm the community at large and remove local government's ability to protect their community's quality of life, property values, and address public health through simple

measures such as maintaining a healthy tree canopy. In our rapidly developing areas of the state, every single tree factors into the total functionality of the Urban Canopy. The urban canopy, made up of individual trees, contributes to the health and well-being of our communities, filters our air, protects water quality, property values, soil, provides for wildlife, beauty and overall general welfare. We need these ordinances to buffer development impacts and the inherent loss of green infrastructure – trees – that are the foundation of sustainable communities. I know that Brighton in Livingston county and Plymouth in Wayne county are in the drafting stages of local tree ordinances due to the NEED.

Those who are involved with the land development process are well aware of tree/woodland ordinance requirements and absorb them as a condition of doing business. They, too, want positive outcomes for their projects and to be part of desirable communities. Tree ordinances are an accepted condition in the vast majority of situations and necessary to protect the fabric of our local communities.

In proposed legislation SB 1188, there is an effort to protect certain trees identified as 'Heritage' trees. This 'Heritage' tree list is missing multiple important native species. Further, the suggested size (DBH) requirements needed to qualify for protection do not reflect the critical ecosystem services provided by these species at much smaller sizes. As a professional in arboriculture, I offer to assist in revising this list. While the protection of the limited list of 'Heritage' trees in this Bill acknowledges their value, the Bill is illogical in failing to protect younger/smaller trees, which will become the 'Heritage' trees of the future. Further, the reality that the large, mature 'Heritage' trees, which provide so many ecosystem services, will age out of existence and there will be no younger specimens to take their place, is a glaring contradiction to this Bill's effort to preserve 'Heritage' trees.

The ability to enact an ordinance to pursue local objectives should not be prohibited. This legislation prohibits tree related activities into the future, a future with scenarios that no one can predict. This is a bad and burdensome policy.

For these reasons, SB 1188 and accompanying bills warrant significantly more deliberation, particularly with resource professionals, such as arborists, at the table to help develop common sense, science-based approaches to legislation.

I respectfully request that SB 1188 and associated Bills STOP here in this committee. Thank you for considering my input.

Julie Johanningsmeier - Citizen
810-599-0343

Angie Lake

From: Lee <[REDACTED]>
Sent: Monday, December 10, 2018 5:25 PM
To: Rep. James Lower (District 70); Rep. Kathy Crawford (District 38)
Cc: Angie Lake
Subject: SB 1188 Comments

Representative Lower and members of the Local Government Committee,

Recent research has clearly established that trees provide numerous public benefits -- whether located on public or private property. For example, shoppers are willing to spend more time and 9% to 12% more money in business districts with trees throughout (1). Even trees on rental properties may increase rental rates (2). Further, experience from emerald ash borer have shown statistically significant increases in human mortality in areas where trees were lost to the invasive insect (3). Perhaps of most interest to local municipalities, trees intercept and mitigate rainwater during storm events (4). Predictatory models further demonstrate the loss of tree canopy in urban and suburban environments can significantly increase stormwater (5).

For these reasons, a number of Michigan's communities have adopted regulations for the treatment of trees in private property. Although some ordinances have placed blanket restrictions on removal of trees across the community, most ordinances provide guidance on tree removal and replacement to those trees affected by development or redevelopment.

As adopted by the Michigan Senate, SB 1188 largely prohibits local municipalities from restricting the removal, destruction, or requiring the replacement of trees on a wide range of private properties. It is recognized that this bill has been created largely in response to a couple of anecdotes associated with a couple of particular ordinances. Regardless, the structure of the bill makes it obvious that professionals in the fields affected were not consulted or included in the bill's writing process.

Ultimately, prudent policy-makers should be hesitant to craft bills based on a small number of anecdotes, but should seek a deep understanding of a particular issue before creating legislation. Rather than a bill largely outlawing such ordinances, the attention to this issue is an opportunity to engage professional arborists and foresters in the education of local communities on recognized and established best practices in the crafting and enforcement of tree preservation ordinances.

Well crafted tree preservation ordinances should:

- Clearly explore community objectives and identify policy instruments designed to best meet those objectives and aligned with local issues and concerns.
- Provide exceptions for poor quality, diseased, dangerous, or invasive trees and shrubs.
- Provide exceptions for legitimate forestry practices, nursery operations, and the maintenance of utility right-of-way.
- Include clear guidance on evaluation and enforcement, including provisions for expert opinions from certified professionals (arborists, foresters, landscape architects).

If required, SB 1188 could be amended to provide local latitude in the development and enforcement of effective tree preservation ordinances, while ensuring compliance with a number of best practices. Particularly:

- The list of species and diameters contained in Section 3-B.ii is obviously lacking in professional input. A number of latin species names are outdated and a number of species listed are unlikely to ever achieve such sizes based on biologic limitations.
- Section 7-A.ii should be amended to allow for tree removal restrictions promulgated under local community zoning authority. Often, the largest loss of community tree canopy is associated with development and redevelopment activities. Changing this section would allow local latitude for consideration of trees in development activities, while restricting other types of tree protection ordinances.
- Section 7-A.ii should be further amended to except trees in poor condition or quality as assessed by a qualified professional and invasive species from protection.
- Section 7-A.ii should include an exception for tree protection for legitimate forestry activities conducted in accordance with a forest management plan or under the guidance of a forester, nursery operations, and maintenance of utility right-of-way.

Thank you for your time and service,

Lee Mueller, CF
SAF Certified Forester
MI Registered Forester #46043
ISA Certified Arborist #MI-4148A
Tree Risk Assessment Qualified

1. Wolf, K.L. 2005. Business District Streetscapes, Trees, and Consumer Response. JI of For. 2005 Dec;103(8): 396-400.
2. Donovan, G.H. and D.T. Butry. 2011. The effect of urban trees on the rental price of single-family homes in Portland, Oregon. Urban Forestry & Urban Greening 10 (2011) 163–168
3. Donovan, G. H. et al. 2013. The relationship between trees and human health: evidence from the spread of the emerald ash borer. Am J Prev Med. 2013 Feb;44(2):139-45.
4. Berland, A. et al. 2017. The role of trees in urban stormwater management. Landsc Urban Plan. 2017 Jun; 162: 167–177.
5. i-Tree Hydro. i-Tree Software Suite v5.x. (n.d.). <http://www.itreetools.org>

Angie Lake

From: Mueller, Lee <lee.mueller@davey.com>
Sent: Monday, December 10, 2018 5:21 PM
To: Rep. James Lower (District 70)
Cc: Angie Lake; Rep. Kathy Crawford (District 38)
Subject: SB 1188 Comments

Representative Lower and members of the Local Government Committee,

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Thank you for your time and service,

Lee Mueller, CF
SAF Certified Forester
MI Registered Forester #46043
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3. Donovan, G. H. et al. 2013. The relationship between trees and human health: evidence from the spread of the emerald ash borer. Am J Prev Med. 2013 Feb;44(2):139-45.
4. Berland, A. et al. 2017. The role of trees in urban stormwater management. Landsc Urban Plan. 2017 Jun; 162: 167–177.
5. i-Tree Hydro. i-Tree Software Suite v5.x. (n.d.). <http://www.itreetools.org>

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Lee Mueller, CF | Project Developer / Forestry Specialist
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Michigan Registered Forester #46043

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